

Consideration of Department of Natural Resources Report regarding petitions for change of rules filed with the Natural Resources Commission; Administrative Cause Nos. 12-202D, 13-020D, 13-052D, 13-079D, 13-142D, 13-161D, 14-038D

Citizen Petition Reports

Petitions

Five petitions were received by the Natural Resources Commission in April of this year. They are as follows:

1. Provide an exemption for people who have brain damage, but do not live in a facility, from needing a fishing license (Administrative Cause No. 13-079D).
2. Allow additional rifle cartridges to be used for deer hunting that are not currently legal, such as the .243, .223, .308, 7.62 x 39, .30-30, .45-70, and 7.62 x 54. (Administrative Cause No. 12-202D and 13-052D)
3. Allow a spring squirrel season that starts when the spring turkey season ends. (Administrative Cause No. 13-020D)
4. Allow bobwhite quail hunting south of US 50 until January 31. (Administrative Cause No. 13-142D)
5. Allow bait to be used when hunting deer. (Administrative Cause No. 13-161D)
6. Allow the fall wild turkey firearm season to be open from October 1 and end in late October. (Administrative Cause No. 14-038D)

Fishing License Exemption

The Indiana DNR does not believe that there is statutory authority for a rule that would provide an additional exemption for a fishing license. There is currently no rule in Indiana Administrative Code that provides exemptions for fishing, hunting, or trapping licenses for any purpose.

Furthermore, the Indiana DNR does not have the authority to provide an exemption for fishing, hunting, or trapping licenses for any individual pursuant to IC 14-22-11-1 and IC 14-22-11-8. State law provides license exemptions in IC 14-22-11-1 for owners and lessees of farmland that meet the requirements set forth in that section. There are additional exemptions for fishing licenses in IC 14-22-11-8 and IC 14-22-18. Indiana Code 14-22-11-8(B) states, "Every person must have a fishing license in the person's possession when fishing in (1) water containing state-owned fish; (2) waters of the state; or (3) boundary waters of the state" unless exempted under IC 14-22-11-8(a).

Therefore, it is the DNR's position that we do not have the authority to provide an exemption from a fishing, hunting, or trapping license in Indiana Administrative Code. The state law will need to be changed to allow for this additional exemption.

Allow additional rifle cartridges to be used for deer hunting that are not currently legal

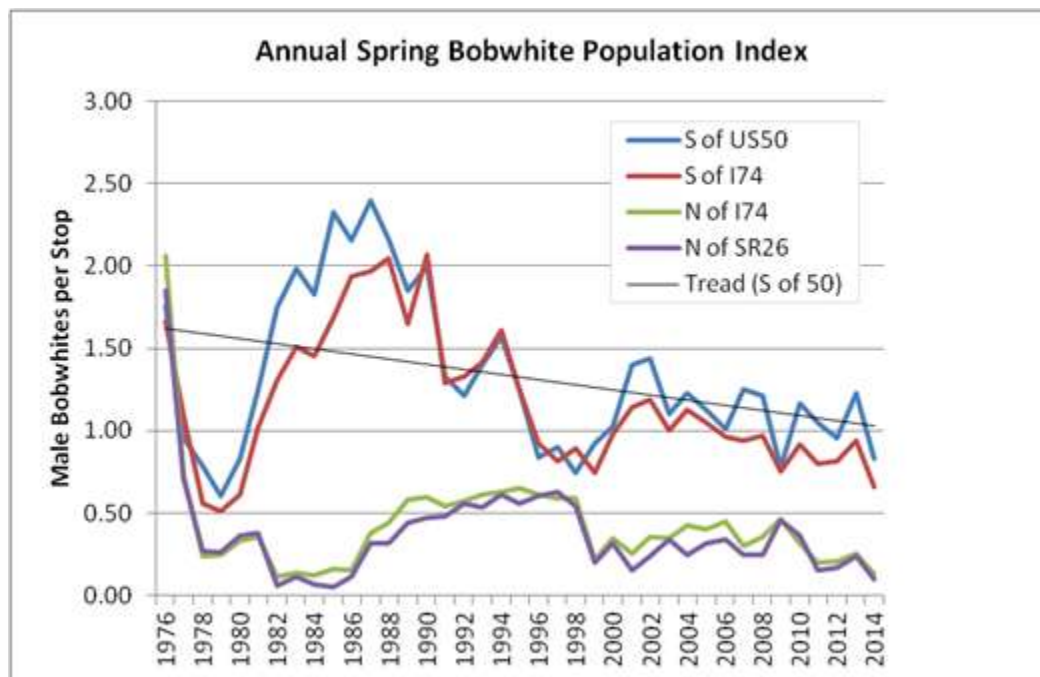
The Indiana DNR has proposed rule language that will add additional rifle cartridges, including the .243, 308, 7.62 x 39, .30-30, .45-70, and 7.62 x 54. The proposed changes will allow the bullet size to be a minimum of .243 and will eliminate the maximum cartridge case length (see 312 IAC 9-3-3(d)). By allowing these additional cartridges, high-powered rifles will be legal

during the deer firearms seasons. The DNR believes this change can be made at this time for the following reasons:

- There are currently no limits on rifles that are legal to use for species other than migratory birds, deer, and wild turkey.
- Muzzleloaders have evolved to the point that with smokeless powder (which is legal to use), they are essentially a high-powered rifle (accurate 500 yard gun).
- They are legal in several nearby states, including Kentucky, Michigan (the northern part of the state), and Pennsylvania.
- There has not been an increase in hunting-related accidents as the result of the use of rifles, both in Indiana and in several other states where they are allowed.
- There isn't a need to limit the equipment that can be used to take deer in order to manage the deer herd. The deer harvest was a record in 2012, and the DNR is managing the deer herd through other means.
- Rifle cartridges that fire a bullet at least .243 in diameter and have a minimum case length of 1.16 inches long can safely and humanely kill white-tailed deer.

Allow bobwhite quail hunting south of US 50 until January 31.

Based on climate, geography, and long-term bobwhite population index averages, it was determined that the best division of the state in regulating the season length and bag limit was Interstate 74, and not State Road 26. Based on the annual spring bobwhite population index, we can conclude the population continues to decline, even in the best region of Indiana, south of US 50. With populations continuing to decline statewide, it would not be prudent to increase the length of the season, particularly at the end of the season when peer-reviewed literature has found that late season hunting has an additive rather than compensatory effect on mortality.



Allow bait to be used when hunting deer

The Department has chosen not to pursue this regulation change at this time. Our main concern is based on research out of Michigan that has shown that allowing baiting for the entire season, though contributing to an increase in sightings of deer, did not increase the harvest of deer. We also have concerns regarding baiting unnaturally congregating animals on individuals properties, which has the ability to disrupt their natural movement patterns and may affect other hunters deer sightings. Even though infectious diseases such as Chronic Wasting Disease have not been detected in Indiana, the practice of baiting is in general a management practice that is not in the best interest of wildlife. For these reasons, we are not going to be addressing the allowance of baiting during the hunting season at this time.

Allow a spring squirrel season that starts in early June (after the spring wild turkey season ends), or from March 15 to April 15.

Though a spring squirrel season, set in late May to early June, is biologically sound in avoiding the nesting period of tree squirrels in Indiana, and spring seasons are open in Kentucky, Louisiana, Tennessee, Texas, and Virginia, little information is published on the effects a spring squirrel hunting season has on other species, particularly ground nesting neo-tropical migrant birds and native reptiles. It is also unknown how this season would affect other spring recreationists in Indiana. There is also literature that contends that gray squirrel populations in the northern most portion of the state may be in decline. Given the unknowns listed above, an expansion of the season would not be prudent without further research.

Allow the fall wild turkey firearm season to be open from October 1 and end in late October

This petition represents a significant liberalization of the fall firearms season by more than doubling the days of gun hunting for wild turkeys (31 days). The fall firearms portion of the fall turkey season (12 days) generally accounts for 70% of our fall harvest. Since fall turkey hunting is either sex, it has the potential to create an overharvest situation, especially with low summer production (poor annual recruitment) and results in a higher proportion of adults in the fall harvest rather than the fall harvest being proportionally more juveniles. We have experienced 7-8 years of consecutive summers of below normal or low brood production. It appears in recent years based on our lower spring harvest totals and relative lower hunters success (now below 20%) that our statewide turkey population is either declining or leveling off a level lower than what we have observed in the last decade. Basically, now is not the time to significantly liberalize our fall hunting opportunities, especially if those increased fall opportunities may reduce our spring hunting success and harvests further. Indiana turkey hunters have historically indicated they want the emphasis of our turkey program to be directed toward sustained spring hunting opportunities (19 days) over fall hunting opportunities for wild turkey.